



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,450	05/02/2001	David S. Parkman	7784-000207	7745

7590 05/21/2004  
Mark D. Elchuk  
Harness Dickey & Pierce P.L.C.  
P.O. Box 828  
Bloomfield Hill,, MI 48303

EXAMINER

ORGAD, EDAN

ART UNIT PAPER NUMBER

2684

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/847,450

Applicant(s)

PARKMAN, DAVID S.

Examiner

Edan Orgad

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 14, 15 and 17 is/are allowed.
- 6) ☒ Claim(s) 7 and 16 is/are rejected.
- 7) ☒ Claim(s) 8-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2,3</u> . | 6) <input type="checkbox"/> Other: _____  |

DETAILED ACTION

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Frisco et al (US 6,08,307).

Regarding claim 7, Frisco teaches a system for transmitting forward link transponder assignments from at least one transponder (element 33) to a plurality of mobile platforms (elements 45 and 47) comprising: at least one piece of receiver equipment (element 33) on the mobile platform; and at least one piece of communications equipment on the mobile platform (element 35), wherein when the piece of communications equipment transmits the forward link transponder assignments to the piece of receiver equipment when the piece of receiver equipment loses at least one forward link assignment (col. 11, lines 45-60).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2684

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frisco et al (US 6,208,307) in view of Lusignan (US 5,649,318).

Regarding claim 16, Frisco teaches a method of transmitting forward link transponder assignments to a mobile platform having a failed receiver (col. 11, lines 46-61), the method comprising the steps of: transmitting a signal from the piece of communications equipment to a piece of receiver equipment, wherein the signal comprises forward link transponder assignments (col. 11, lines 46-61). However, Frisco fails to specifically disclose loading forward link transponder assignments onto a piece of communications equipment of the mobile platform. However, in the same field of invention, Lusignan teaches loading forward link transponder assignments onto a piece of communications equipment of the mobile platform (col. 13, lines 14-35 & col. 18, lines 56-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include Lusignan's teachings with Frisco's failed receiver notification means in order to be able dynamically reassign each digital television channel to any transponder on each C-band satellite.

*Allowable Subject Matter*

Claims 8-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2684

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 8, the prior art of record, fails to specifically disclose at least one ground station in communication with the mobile platform via the transponder, the ground station comprising a master forward link transponder assignment list; and a default transponder assignment table loaded on the piece of communications equipment, the default transponder table comprising a default forward link transponder assignment table, wherein when the piece of receiver equipment is inoperable, the piece of communications equipment transmits a signal to the transponder based on the default transponder assignment table, the transponder transmits a return link assignment to the piece of communications equipment, and the mobile platform transmits a signal to the ground station via the transponder such that the ground station transmits a correct forward link assignment via the transponder to the piece of communications equipment.

Claims 1-6, 14, 15 and 17 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 1 and 14, the prior art of record, specifically Frisco et al (US 6,2-8,3-7) teaches a system for transmitting forward link transponder assignments from a transponder (element 33) to a plurality of mobile platforms (elements 45 and 47). Comprising a receiver equipment (element 33) on the mobile platform; and communications equipment on the mobile platform (element 35), wherein when the piece of communications equipment transmits the forward link transponder assignments to the piece of receiver equipment when the piece of receiver equipment loses at least one forward link assignment (col. 11, lines 45-60). However, Frisco and other related prior art, fail to specifically disclose at least one ground station in

Art Unit: 2684

communication with the receiver where the ground station comprising a master forward link transponder assignment list; and a default transponder assignment table loaded on the receiver, the default transponder assignment table comprising a default forward link transponder assignment table, wherein when the transmitter transmits a signal to the transponder based on the default transponder assignment table, the transponder transmits the return link assignment to the receiver, and the transmitter transmits a signal to the ground station via the transponder such that the ground station transmits a correct forward link assignment via the transponder to the receiver.

Regarding claim 17, the prior art of record fails to specifically disclose

(a) loading a plurality of priority sets of forward link transponder assignments on a ground station; (b) loading a plurality of priority satellites on a ground station; (c) re-tuning the receivers to a first priority set of transponders until the transponder is tuned; (d) re-tuning the receivers to a second priority set of transponders until the transponder is tuned if step (c) fails to tune the transponder; (e) repeating step (d) for additional priority sets of transponders until the transponder is tuned; (f) re-tuning the receivers to a first priority satellite if step (e) fails to tune the transponder; (g) re-tuning the receivers to a second priority satellite if step (e) fails to tune the transponder; and (h) repeating step (g) for additional priority sets of transponders until the transponder is tuned.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2003/0050008 Scalable satellite data communication system that provides incremental global broadband service using earth-fixed cells.

US 2003/0026356 Bandwidth-efficient wireless network modem.

US 2002/0168971 Path discovery method for return link communications between a mobile platform and a base station.

US 6,453,267 Method and system for measuring system availability for in-flight entertainment systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 703-305-4223. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

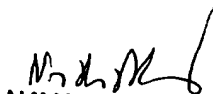
Art Unit: 2684

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edan Orgad



May 12, 2004



NAY MAUNG  
SUPERVISORY PATENT EXAMINER